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Notice of Allowability

Application No.

09/327,713

Applicant(s)

NISHIOKA, KIMIHIKO

Examiner

David N. Spector

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE w/amendment filed 14 September 2007.
2. ☒ The allowed claim(s) is/are 40-42, 48, 49, 84, 86, 88, 92-98, 117 and 126.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 14, 2007 has been entered. An amendment was also filed by applicants' coincident with the submission of the aforesaid RCE. Claims 40-42, 48-49, 84, 86, 88, 92-98, 117 and 126 are now pending in the application.

Claims 40-42, 48-49, 84, 86, 88, 92-98, 117 and 126 are allowed in light of the amendment filed on September 14, 2007. All pending claims thus being allowable, prosecution on the merits is closed in this application.

The distinguishing features/limitations over the prior art and the reasons supporting the allowance of the claimed invention(s) are clearly presented in great detail in applicants' arguments/remarks accompanying the September 14, 2007 amendment (pp. 9-15). All claims pending thus being allowable, prosecution on the merits is closed in this application.

Many of the features/limitations of the allowed claims are also disclosed by Hasegawa et al. (US 5,014,121 A); Takahashi et al. (US 5,177,605 A); Nishioka (US 6,437,925 B1); Nishioka et al. (US 6,464,363 B1); Nishioka et al. (US 6,618,209 B2); Watanabe et al. (US 6,658,208 B2); Nishioka (US 6,738,199 B2); Nishioka et al. (US 6,833,966 B2); Nishioka (US 6,865,009 B2); Nishioka et al. (US 6,950,245 B2); Amanai (US 6,961,187 B2); Nishioka et al. (US 7,025,468 B2); Nishioka (US 7,031,071 B2); Nishioka (US 7,054,053 B2); Nishioka et al. (US 7,054,075 B2); Kaneko et al. (US 7,170,665 B2); Ide et al. (US 7,190,500 B2) and Nishioka et al. (US 7,209,295 B2).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any other inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. The Official FAX number for the United States Patent and Trademark Office is (571) 273-8300.

December 13, 2007

A handwritten signature in black ink, appearing to read 'D.N. Spector', with a long horizontal flourish extending to the right.

David N. Spector
Primary Examiner
Art Unit 2873